IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 8150 of 2000

Between:

D.Muni Seshadri, S/o D.Bhasker Pillai,
O/o/ The Project Director, D.P.A.P.,Collectorate,
Chittoor.

..... PETITIONER

AND

1 The Project Director, D.P.A.P., Collectorate,
Chittoor.
2 The Project Director, D.R.D.A., Collectorate,
Chittoor.
3 The District Collecter/Chairman, D.R.D.A./D.R.A.D.,
Chittoor.
4 The Commissioner, Rural Development, Government of A.P.,
Tilak Road, Hyderabad.
5 The Govt.,of A.P., Rep by its Prl.Secretary, Panchayat Raj & Rural Development, Secertariat Building, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of Writ of Mandamus to set aside the order passed by the 4th respondent herein dated 11.02.1999 and to regularise the service of the petitioner as work-Inspector/Supervisor with all consequential benefits.

(Prayer is amended as per Court order dated 09.02.2005 in W.P.M.P.No.10454 of 2001)

Counsel for the Petitioner:MR.RAJENDRA BUSSA

Counsel for the Respondents.: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

Heard Sri B.Rajendra, learned counsel appearing on behalf of the petitioner and learned Government PIeader for Panchayat Raj.

The petitioner herein files this writ petition seeking for regularization of his services as a Work Inspector/Supervisor and to grant consequential benefits.

The case of the petitioner, in brief, is that on an application filed by him on 17.12.1994, he was appointed as a Work Inspector and accordingly, he joined as an N.M.R. on 17.02.1995 on consolidated pay of Rs.2,500/- per month. Having worked for a long time and good record of service, steps were taken for regularisation of his services and accordingly necessary particulars have been filed. In spite of the same, the petitioner's case was not considered in a proper and perspective manner. Hence, the writ petition.

Contesting the petitioner's claim, it is the case of the respondents that the petitioner's appointment as NMR does not create any right nor he has any right to seek the relief of regularization. Further, having regard to the fact that there is no vacancy, consideration of petitioner's case does not arise.

Considering the submissions made on both sides and on perusal of the material, the question which arises for consideration is as to whether the petitioner is entitled to seek regularization of his services ?

Admittedly, the petitioner was appointed as an NMR on a consolidated pay and he had been working as a Work Inspector. Such an appointment can be taken as a stop gap one and also a temporary one. Though considerable time has gone, he sought for regularization of his service apart from seeking appointment to certain other posts. Under the impugned orders, the authorities rejected his claim for regularization on the ground that his case does not fall for consideration as the appointment itself is purely a temporary one and further, there are no vacancies. Having regard to the reasons as mentioned and especially in the absence of any right as held by the Supreme Court in ***STATE OF H.P. v. ASHWANI KUMAR*** and in the absence of any vacancies as such, the petitioner cannot seek any relief of regularization. In the circumstances, I do not find any merits in the writ petition.

The writ petition is accordingly dismissed. However, it shall be
open for the respondents to consider the petitioner's case as and when any vacancy arises.

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B. PRAKASH RAO, J

9th February 2005.

Chvn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Project Director, D.P.A.P., Collectorate,
Chittoor.
2 The Project Director, D.R.D.A.,Collectorate,
Chittoor.
3 The District Collecter/Chairman, D.R.D.A.P/D.R.A.D,
Chittoor.
4 The Commissioner, Rural Development, Government of A.P.,
Tilak Road, Hyderabad.
5 The Principal Secretary to Government of A.P., Panchayat Raj &
Rural Development, Secertariat Building, Hyderabad.

6 Two C.Cs. to the G.P. for Panchayat Raj and Rural Development,
High Court Buildings, Hyderabad (OUT).

7 Two C.D. copies.